

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION**

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MARTREK D. WINGO, )  
                        )  
Plaintiff,           )  
                        )  
v.                    )                   **No. 14-2643**  
                        )  
TWITTER, INC.       )  
                        )  
Defendant.           )

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**ORDER ADOPTING MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

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Before the Court is the Magistrate Judge's November 25, 2014 Report and Recommendation (the "Report") recommending that the case be transferred under 28 U.S.C. § 1404(a). (Report, ECF No. 14.) No objection has been filed to the Report and the time to do so has passed. For the following reasons, the Report is ADOPTED and the case is transferred to the Northern District of California.

Congress enacted 28 U.S.C. § 636 to relieve the burden on the federal judiciary by permitting the assignment of district court duties to magistrate judges. See United States v. Curtis, 237 F.3d 598, 602 (6th Cir. 2001) (citing Gomez v. United States, 490 U.S. 858, 869-70 (1989)); see also Baker v. Peterson, 67 F. App'x 308, 310 (6th Cir. 2003). "A district judge must determine de novo any part of a magistrate judge's

disposition that has been properly objected to." Fed. R. Civ. P. 72(b); 28 U.S.C. § 636(b)(1)(C). After reviewing the evidence, the court is free to accept, reject, or modify the proposed findings or recommendations of the magistrate judge. 28 U.S.C. § 636(b)(1)(C). The district court is not required to review – under a de novo or any other standard – those aspects of the report and recommendation to which no objection is made. Thomas v. Arn, 474 U.S. 140, 150 (1985). The district court should adopt the findings and rulings of the magistrate judge to which no specific objection is filed. Id. at 151.

The Magistrate Judge finds that Martrek D. Wingo agreed to Twitter, Inc.'s Terms of Service, which contains a forum-selection clause. (Report at 5-7.) The Magistrate Judge recommends that the forum-selection clause be enforced and the case be transferred to the Northern District of California, pursuant to 28 U.S.C. § 1404(a). (Id. at 7) The Report states that any objections must be filed within fourteen (14) days after service of the Report. (Id. at 7.) See also 28 U.S.C. § 636(b)(1)(C) ("Within fourteen days after being served with a copy [of the Magistrate Judge's Report], any party may serve and file written objections to such proposed findings and recommendations as provided by the rules of the court.").

Because no party has objected, Arn counsels the Court to adopt the Report in its entirety. Arn, 474 U.S. at 151.

Adopting the Report is consistent with the policies underlying § 636, specifically judicial economy and protecting against the "functions of the district court [being] effectively duplicated as both the magistrate and the district court perform identical tasks." Howard v. Sec'y of Health & Human Servs., 932 F.2d 505, 509 (6th Cir. 1991).

For the foregoing reasons, the Magistrate Judge's Report is ADOPTED and the case transferred to the Northern District of California.

So ordered this 12th day of December, 2014.

s/ Samuel H. Mays, Jr. \_\_\_\_\_  
SAMUEL H. MAYS, JR.  
UNITED STATES DISTRICT JUDGE